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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Falcon Telecable, A California LP	)	File No. EB-11-PO-0104
	)	
Physical System ID # 005343	)	
Community ID # OR0147	)	
	)	
Yachats, Oregon	)	NOV No. V201132920029

**NOTICE OF VIOLATION**

**Released: August 31, 2011**

By the Resident Agent, Portland Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to the Falcon Telecable, A California LP ("Falcon"), operator of a cable system in Yachats, Oregon.

2. On August 19, 2011, an agent of the Enforcement Bureau's Portland Resident Agent Office inspected the Falcon's cable system located in Yachats, Oregon, and observed the following violation:

- a. 47 C.F.R. § 76.605 (a)(12): "As an exception to the general provision requiring measurements to be made at subscriber terminals, and without regard to the type of signals carried by the cable television system, signal leakage from a cable television system shall be measured in accordance with the procedures outlined in § 76.609(h) and shall be limited as follows: Over 54 MHz up to and including 216 MHz – 20 micro-volts per meter, measured at 3 meters." At the time of the inspection, the agent observed signal leakage in excess of 20 micro-volts per meter on the frequency 121.2625 MHz at the following locations:

1) Fireside Motel's Village Gift Gallery, 1881 Hwy 101, Yachats, Oregon: 204 µV/m

2) Utility pole near an Oregon Visitors Information sign and Ya Hots Video store, 265 N. Hwy 101, Yachats, Oregon: 170 µV/m

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<sup>1</sup> 47 C.F.R. § 1.89.

## Federal Communications Commission

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3) Utility pole # A2980K, near the Dublin House Motel, w. 7<sup>th</sup> Street and Hwy 101, Yachats, Oregon : 170  $\mu$ V/m

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Falcon, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the Falcon. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Portland Resident Agent Office  
POB 61469  
Vancouver, WA 98666-1469

4. This Notice shall be sent to Falcon Telecable, A California LP at its address of record.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Binh Nguyen  
Resident Agent  
Portland Resident Agent Office  
Western Region  
Enforcement Bureau

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<sup>2</sup> 47 U.S.C. § 403.

<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*